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BOOK REVIEWS.

A TREATISE ON THE LAW OF RES JUDICATA. Including the Doctrines of Jurisdiction, Bar by Suit, and Lis Pendens. By HUKM CHAND, M.A. London: William Clowes & Sons. Edinburgh: William Green & Sons. 1894. Printed at the Education Society's Steam Press, Byculla, Bombay.

Judge Dillon has given us but recently a vivid pen-picture of the marvellous growth of our law. How it has followed the flag of England wherever it has been planted throughout the globe. How, in Westminster Hall, or where, beneath the dome of the Capitol at Washington, sits the most august of earthly tribunals, in local courts on the Atlantic seaboard or at the base of the Rocky Mountains;

“By the long wash of Australasian seas
Far off,”

or on the shores of the Pacific Ocean, or beneath Indian skies, the eyes of all—judge, lawyer and student—are couched to the same gladsome light of jurisprudence. This formidable work of 800 pages, which lies before us for review, is a tribute and further recognition of this grand triumphal march which has circled the world and tells us anew how in these great Anglo-Saxon Empires, over which float the Cross of St. George and the Stars and Stripes, there is a still greater force than the British Oak at work to protect against trespass *vi et armis*. In a thousand courts the scales of justice are held with even hand. Thousands of jurists and judges are applying the same principles, drinking from the same fountains, solving the same problems, working out the evolution of law and equity along the same lines, with the same underlying aim and thought in view, and obedient to the same jurisprudence. Recognizing this common ancestry and common foundation of our common law, this learned

Indian jurist expresses in his preface the conviction "That courts, and, to some extent, even the Legislature of one country, do not derive that assistance from the deliberations and declarations of eminent jurists and judges in other countries to which their high judicial value entitles them; and lawyers in every country often devote their time and energies to the discussion and determination of questions that have been already most fully debated and elucidated in others. Enactments are thus sometimes made and cases frequently disposed of in one country, in accordance with principles which are there regarded as indisputable, but which are not only in direct conflict with those recognized and acted upon elsewhere, but have themselves, in some instances, after a long trial, been found inconsistent with the proper administration of justice, and deliberately abrogated or tacitly relinquished as unsound."

It has been thought proper to quote freely from these two great writers who seem to clasp hands across the seas, because they indicate and vindicate the broad spirit of philosophy with which our friend, writing "under Indian skies," has approached a branch of the law which is to-day of equal import at the base of the Rocky and Himalaya Mountains. I find it in my heart to wish that the LAW REGISTER would give the space necessary for a reprint of the entire preface, so much does it commend itself as a convincing monograph illustrating "the great advantage accruing to the municipal law of every country, both in regard to its development and practical application, by a familiar acquaintance on the part of those concerned in its administration with the corresponding principles recognized and acted upon in other countries, an advantage not restricted to any particular branch of law, and extending even to the codified branches of it." Such a spirit, coupled with an infinite capacity of research, reinforced by a truly judicial ability to co-ordinate, marshall and weigh painfully acquired *knowledge*, so that the resulting evolution may be entitled to be christened *wisdom*, may be fairly attributed as the endowment which our learned author has brought to the consideration of the doctrine of *res judicata* in its applica-

tion to civil proceedings, and which, as he says, he has selected "to form the subject of his work on account of its practical importance and unusual difficulty."

Starting from a maxim couched in half a dozen words, he considers the elaborate rules "developed out of the multiplicity of controversies coming before the courts with a thousand minute shades of difference." The decisions of England, India and America are all laid under tribute to elucidate the principles laid down, and the French and Roman jurists have not been overlooked in tracing these principles to their source.

A fairly full index contributes to the utility of the book as a work of reference. The style is clear, concise and attractive, so far as it belongs to the author, although the enunciation of principles often has been left to the *ipsissima verba* of the judges or lawyers from whom he cites constantly and copiously. While the book is not likely to be thumbed over by the every-day case-law practitioner, it is one that commends itself to the lawyer who believes that law should be studied as science as well as practised as an art. It is certainly a most valuable contribution to legal literature.

EDWARD P. ALLINSON.

PRACTICE IN ATTACHMENT OF PROPERTY FOR THE STATE OF NEW YORK. By GEORGE W. BREEDNER. Albany, N. Y.: Matthew Bender, Publisher. 1895.

It is somewhat surprising to find that proceedings in attachment under the New York Civil Code are attended with so many pitfalls for the unwary as to call for a separate treatise upon the rules and practice governing such measures. An examination, however, of the code and of the decisions in the voluminous practice reports, justifies the author's contention that a book upon this subject, covering the latest amendments to the code and reported cases, is a necessity. So far as can be judged, the work has been thoroughly and conscientiously done. There are about six hundred citations, most of them from the New York Reports of the last ten years. The